

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous **3rd** Bail Application No. 14411/2025

Pukhraj S/o Jalaram Jaat, Aged About 25 Years, R/o Hanuman Nagar Bhed, Tehasil Osiyan P.s Lohawat, District Jodhpur (Lodged In Central Jail Chittorgarh.)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Mangilal Vishnoi
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

Reserved on:- 04/02/2026

Pronounced on:- 23/02/2026

This third application for bail under Section 483 of BNSS (439 Cr.P.C.) has been filed by the petitioner who has been arrested in connection with FIR No.231/2022 registered at Police Station Begun, District Chittorgarh, for offence under Section 8/15 of the NDPS Act.

As per the prosecution, during *nakabandi*, on 21.08.2022, a team of Police Station Begun flagged down a truck bearing registration No.DD-01-G-9739. After, seeing the police personnel, the petitioner left the offending vehicle and tried to escape, however, the police was successful in nabbing the petitioner. The police team, after duly following the procedure provided under the NDPS Act, conducted search of the offending vehicle and recovered contraband (poppy husk/straw) weighing 482.100

Kilograms from 24 plastic sacks. The petitioner was arrested on the spot.

On a perusal of the case file, this Court *prima facie* finds that the petitioner is in judicial custody since 21.08.2022. Till date, out of total 17 cited prosecution witnesses, only 03 cited prosecution witnesses have been examined before competent Criminal Court and the delay in trial is not at all attributable to the petitioner. This Court *prima facie* finds that the petitioner is in judicial custody since last more than 3 years and 6 months and looking to the pace at which trial is being conducted against the present petitioner, the same is not likely to be concluded in near future.

Learned Public Prosecutor has vehemently opposed the bail application and submitted that petitioner is facing trial for the offence under the NDPS Act and, therefore, the present bail application deserves to be rejected straightway. Learned Public Prosecutor, however, was not in position to refute the fact that in last more than 3 years and 6 months, out of total 17 cited prosecution witnesses, only 03 cited prosecution witnesses has been examined till date.

Heard the learned Public Prosecutor and perused the material available on record.

Having considered the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration for last more than 3 years and 6 months and out of total 17 cited prosecution witnesses, only 03 cited prosecution witnesses has been examined till date, without expressing any opinion on merits/demerits of the case, this Court is of the opinion

that the bail application filed by the petitioner deserves to be accepted.

Accordingly, this third application for bail under Section 483 of BNSS (439 Cr.P.C.) is allowed and it is ordered that the accused-petitioner- Pukhraj S/o Jalaram Jaat shall be enlarged on bail in connection with FIR No.231/2022 registered at Police Station Begun, District Chittorgarh, provided he furnishes a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to so.

In case, the petitioner remains absent on any date of hearing or makes an attempt to delay the trial by seeking unnecessary adjournments, it shall be taken as a misuse of concession of bail granted to him by this Court. The prosecution, in such a situation, shall be at liberty to move an application seeking cancellation of bail granted to the petitioner today by this Court.

It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(KULDEEP MATHUR),J

Tikam/-